

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID ANGEL SIFUENTES,

Petitioner,

v.

JOHN PRELESNIK,

Respondent.

Case No. 1:03-CV-637

Hon. Richard Alan Enslen

ORDER

This matter is before the Court on Petitioner David Angel Sifuentes' Motion for Relief from Judgment and Supplemental/Amended Motion for Relief pursuant to Federal Rule of Civil Procedure 60(b). Petitioner seeks relief from the Court's denial of Petitioner's Motion for Reconsideration of December 11, 2006.

Petitioner moves generally under Rule 60(b). After review, the Court finds that it no longer has proper jurisdiction over the Motion. On October 27, 2006, Petitioner filed a notice of appeal of the Court's August 11, 2006 Final Order to the Sixth Circuit Court of Appeals. "It is well settled that the filing of the notice of appeal with the district court clerk deprives the district court of jurisdiction to act in matters involving the merits of the appeal." *United States v. Holloway*, 740 F.2d 1373, 1382 (6th Cir. 1984); *Marrese v. Am. Acad. of Orthopaedic Surgeons*, 470 U.S. 373, 378 (1985).

THEREFORE, IT IS HEREBY ORDERED that Petitioner's Motion for Relief from Judgment (Dkt. No. 65) and Petitioner's Supplemental/Amended Motion for Relief from Judgment (Dkt. No. 68) are **DENIED WITHOUT PREJUDICE**.

DATED in Kalamazoo, MI:
January 26, 2007

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE